

REMARKS

Claims 1-52 are pending in this application. Claims 1-2, 5-7, 20, 46-47, 49 and 52 are independent. In light of the amendments and remarks included herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection.

By this amendment, Applicant has amended the claims to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1-52 under 35 U.S.C. § 102(e) as being anticipated by *Fields et al.* (USP 6,412,008). Applicant respectfully traverses this rejection.

The Finality of the Outstanding Official Action is Improper

In the outstanding Official Action, the Examiner asserted that as all claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the previous Official Action, that the outstanding Official Action is made final. However, Applicant filed concurrently with Applicant's previous Reply a Request for Personal Interview. Applicant requested that, prior to formal consideration of this Reply on the record, the Examiner contact the undersigned to schedule an Interview to discuss the issues included herein. However, the Examiner failed to contact the undersigned to conduct the properly requested Interview. As Applicant had requested an Interview prior to formal consideration of the arguments on the record to discuss the outstanding rejections, it is wholly improper for the Examiner to ignore Applicant's request and issue a final Official Action on first action.

Applicant, again, respectfully requests the Examiner contact the undersigned to schedule and conduct an interview in accordance with Applicant's request already of record. Further, Applicant respectfully requests withdrawal of the finality of the outstanding Official Action.

Prior Art Rejection

By this amendment, Applicant has amended claim 1 to recite, *inter alia*, an image editing method that is performed in an image editing system equipped with a client, which has an edit-command unit for applying a command to edit digital photo image data taken by a user, and an image server, connected with said client through a network in a network photo-service system, which has an editing unit for obtaining processed image data by editing said image data in response to the edit command from said edit-command unit, said image editing method comprising a first step of accepting an edit-start command and, in response to said edit-start command, commanding said image server to transfer editing data, having at least one editing object, which contains said image data, at said edit-command unit, and of transferring said editing data to said client at said image server.

In contrast, the disclosure of *Fields et al.* is directed to a system and method for cooperative client/server customization of web pages. *Fields et al.* discloses a process by which a client sends a request for a network file, such as a web page, to a server. The server obtains the requested network file, and a server side customization program and customizes the file. The server side customization program may also analyze the network file and may embed return customization information in a customized network file. The client receives the customized network file, including the return customized information, from the server. A client side customization program then performs further customization on the network file (abstract).

It is respectfully submitted that *Fields et al.* fails to teach or suggest an image editing method that is performed in an image editing system equipped with a client, which has an edit-command unit for applying a command to edit digital photo image data taken by a user. Further, *Fields et al.* fails to teach or suggest an image server connected with the client through a network in a network photo-service system.

As *Fields et al.* fails to teach or suggest all of the claim elements, it is respectfully submitted that claim 1, as amended, is not anticipated by *Fields et al.* It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 3-4 are allowable for the reasons set forth above with regard to claim 1, at least based upon their dependency on claim 1. It is further respectfully submitted that claims 2, 5-7, 20, 46-47, 49, and 51 include at least one element similar to those discussed above with regard to claim 1 and thus, these claims together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 1.

Conclusion

In view of the above amendment, Applicant believes the pending application is in condition for allowance. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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